

By: Nelson

S.B. No. 2218

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the creation and re-creation of funds and accounts in  
3 the state treasury, the dedication and rededication of revenue, and  
4 the exemption of unappropriated money from use for general  
5 governmental purposes.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. DEFINITION. In any provision of this Act that  
8 does not amend current law, "state agency" means an office,  
9 institution, or other agency that is in the executive branch of  
10 state government, has authority that is not limited to a  
11 geographical portion of the state, and was created by the  
12 constitution or a statute of this state. The term does not include  
13 an institution of higher education as defined by Section 61.003,  
14 Education Code.

15 SECTION 2. ABOLITION OF FUNDS, ACCOUNTS, AND DEDICATIONS.  
16 Except as Otherwise specifically provided by this Act, all funds  
17 and accounts created or re-created in the state treasury by an Act  
18 of the 85th Legislature, Regular Session, 2017, that becomes law  
19 and all dedications or rededications of revenue in the state  
20 treasury or otherwise collected by a state agency for a particular  
21 purpose by an Act of the 85th Legislature, Regular Session, 2017,  
22 that becomes law are abolished on the later of August 31, 2017, or  
23 the date the Act creating or re-creating the fund or account or  
24 dedicating or rededicating revenue takes effect.

1           SECTION 3. PREVIOUSLY EXEMPT DEDICATIONS, FUNDS, AND  
2 ACCOUNTS. Section 2 of this Act does not apply to:

3           (1) statutory dedications, funds, and accounts that  
4 were enacted before the 85th Legislature convened to comply with  
5 requirements of state constitutional or federal law;

6           (2) dedications, funds, or accounts that remained  
7 exempt from former Section 403.094(h), Government Code, at the time  
8 dedications, accounts, and funds were abolished under that  
9 provision;

10          (3) increases in fees or in other revenue dedicated as  
11 described by this section; or

12          (4) increases in fees or in other revenue required to  
13 be deposited in a fund or account described by this section.

14           SECTION 4. FEDERAL FUNDS. Section 2 of this Act does not  
15 apply to funds created pursuant to an Act of the 85th Legislature,  
16 Regular Session, 2017, for which separate accounting is required by  
17 federal law, except that the funds shall be deposited in accounts in  
18 the general revenue fund unless otherwise required by federal law.

19           SECTION 5. TRUST FUNDS. Section 2 of this Act does not  
20 apply to trust funds or dedicated revenue deposited to trust funds  
21 created under an Act of the 85th Legislature, Regular Session,  
22 2017, except that the trust funds shall be held in the state  
23 treasury, with the comptroller in trust, or outside the state  
24 treasury with the comptroller 's approval.

25           SECTION 6. BOND FUNDS. Section 2 of this Act does not apply  
26 to bond funds and pledged funds created or affected by an Act of the  
27 85th Legislature, Regular Session, 2017, except that the funds

1 shall be held in the state treasury, with the comptroller in trust,  
2 or outside the state treasury with the comptroller 's approval.

3 SECTION 7. CONSTITUTIONAL FUNDS. Section 2 of this Act does  
4 not apply to funds or accounts that would be created or re-created  
5 by the Texas Constitution or revenue that would be dedicated or  
6 rededicated by the Texas Constitution under a constitutional  
7 amendment proposed by the 85th Legislature, Regular Session, 2017,  
8 or to dedicated revenue deposited to funds or accounts that would be  
9 so created or re-created, if the constitutional amendment is  
10 approved by the voters.

11 SECTION 8. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE.  
12 Effective September 1, 2017, Sections 403.095(b), (d), and (f),  
13 Government Code, are amended to read as follows:

14 (b) Notwithstanding any law dedicating or setting aside  
15 revenue for a particular purpose or entity, dedicated revenues  
16 that, on August 31, 2019 [~~2017~~], are estimated to exceed the amount  
17 appropriated by the General Appropriations Act or other laws  
18 enacted by the 85th [~~84th~~] Legislature are available for general  
19 governmental purposes and are considered available for the purpose  
20 of certification under Section 403.121.

21 (d) Following certification of the General Appropriations  
22 Act and other appropriations measures enacted by the 85th  
23 [~~84th~~] Legislature, the comptroller shall reduce each dedicated  
24 account as directed by the legislature by an amount that may not  
25 exceed the amount by which estimated revenues and unobligated  
26 balances exceed appropriations. The reductions may be made in the  
27 amounts and at the times necessary for cash flow considerations to

1 allow all the dedicated accounts to maintain adequate cash balances  
2 to transact routine business. The legislature may authorize, in the  
3 General Appropriations Act, the temporary delay of the excess  
4 balance  
5 reduction required under this subsection. This subsection does not  
6 apply to revenues or balances in:

7 (1) funds outside the treasury;

8 (2) trust funds, which for purposes of this section  
9 include funds that may or are required to be used in whole or in part  
10 for the acquisition, development, construction, or maintenance of  
11 state and local government infrastructures, recreational  
12 facilities, or natural resource conservation facilities;

13 (3) funds created by the constitution or a court; or

14 (4) funds for which separate accounting is required by  
15 federal law.

16 (f) This section expires on September 1, 2019 [~~2017~~].

17 SECTION 9. REPEALER. Section 403.095(e), Government Code,  
18 is repealed.

19 SECTION 10. EFFECT OF ACT. (a) This Act prevails over any  
20 other Act of the 85th Legislature, Regular Session, 2017,  
21 regardless of the relative dates of enactment, that purports to  
22 create or re-create a special fund or account in the state treasury  
23 or to dedicate or rededicate revenue to a particular purpose,  
24 including any fund, account, or revenue dedication abolished under  
25 former Section 403.094, Government Code.

26 (b) Revenues that, under the terms of another Act of the  
27 85th Legislature, Regular Session, 2017, would be deposited to the

1 credit of a special account or fund shall be deposited to the credit  
2 of the undedicated portion of the general revenue fund unless the  
3 fund, account, or dedication is exempted under this Act.

4 SECTION 11. EFFECTIVE DATE. This Act takes effect  
5 immediately if it receives a vote of two-thirds of all the members  
6 elected to each house, as provided by Section 39, Article III, Texas  
7 Constitution. If this Act does not receive the vote necessary for  
8 immediate effect, this Act takes effect on the 91st day after the  
9 last day of the legislative session.